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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/139,777	08/25/1998	ROBERT A. KNEE	UV-58	5715

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NEW YORK, NY 10020-1104

EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

82

Office Action Summary

Application No.

09/139,777

Applicant(s)

KNEE ET AL.

Examiner

Andrew Y Koenig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9,11 and 38-82 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8,9,11 and 38-82 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 8, 9, 11, and 38-82 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 44, 45, 47, 50, 51, 53, 56, 57, 59, 62, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,160,570 to Sitnik (Sitnik), U.S. Patent 6,177,931 to Alexander et al. (Alexander), and U.S. Patent 5,155,591 to Wachob (Wachob) in view of U.S. Patent 5,410,344 to Graves et al. (Graves).

Regarding claims 8, 47, 53, and 59, Sitnik teaches a system and method for targeting advertisements to a user of an interactive television program guide. Sitnik shows a receiver, which can receive both program guide information (col. 7, lines 25-27) and advertisements with preselected values for demographic categories (col. 8-9, lines 65-4). Sitnik is silent on advertisements for the program guide. Alexander teaches displaying an advertisement within the program guide (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitnik by using advertisements for the program guide as taught by Alexander in

order to provide an improved opportunity for advertisers to reach the viewer (Alexander: Abstract). Sitnik is silent on using a survey to gather demographic information. Wachob teaches gathering demographic information via a survey (col. 1, ll. 56-64; col. 6, ll. 15-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitnik by implementing a survey to gather demographic information as taught by Wachob in order to enable advertisements to be efficiently matched to their appropriate demographic category. Sitnik also shows a user input receiver (col. 7, lines 47-57), and a microprocessor, which utilizes said user input to determine user values for the demographic categories (col. 6, lines 22-28). Sitnik teaches a memory for storing user values (col. 6, 39-43). On column 2, line 56-65, Sitnik teaches a receiver that selects one advertisement based on a comparison. Sitnik does not teach user values with weight values indicative of the effect said user input has on the user values for the demographic categories. Graves teaches permitting the user to enter grades for various categories (fig. 5, 6) which reads on user values having predetermined weight values that are indicative of the effect the user input has on the user values for demographic values (col. 6-7, ll. 60-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sitnik by using weight values as taught by Graves in order to further enhance the program selections (col. 7, ll. 37-54).

Regarding claims 44, 50, 56, and 62, Sitnik provides default values for the demographic categories (col. 8, lines 3-6).

Regarding claims 45, 51, 57, and 63, Sitnik provides a period for determining user values for demographic categories (col. 8, lines 8-13).

4. Claims 9, 11, 38, 39, 41, 65-76, 80-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,160,570 to Sitnik (Sitnik), U.S. Patent 6,177,931 to Alexander et al. (Alexander), and U.S. Patent 5,155,591 to Wachob (Wachob) in view of U.S. Patent 5,801,747 to Bedard.

Regarding claims 11, 41, 65, 69, 73, 80, 81, and 82, Sitnik teaches a system and method for targeting advertisements to a user of an interactive television program guide. Sitnik shows a receiver, which can receive both program guide information (col. 7, lines 25-27) and advertisements with preselected values for demographic categories (col. 8-9, lines 65-4). Sitnik is silent on advertisements for the program guide. Alexander teaches displaying an advertisement within the program guide (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitnik by using advertisements for the program guide as taught by Alexander in order to provide an improved opportunity for advertisers to reach the viewer (Alexander: Abstract). Sitnik is silent on using a survey to gather demographic information. Wachob teaches gathering demographic information via a survey (col. 1, ll. 56-64; col. 6, ll. 15-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitnik by implementing a survey to gather demographic information as taught by Wachob in order to enable advertisements to be efficiently matched to their appropriate demographic category. Sitnik also shows a

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user input receiver (col. 7, lines 47-57), and a microprocessor, which utilizes said user input to determine user values for the demographic categories (col. 6, lines 22-28).

Sitnik teaches a memory for storing user values (col. 6, 39-43). On column 2, line 56-65, Sitnik teaches a receiver that selects one advertisement based on a comparison.

Sitnik does not teach a decay procedure to refresh each of the user values, however such is taught by Bedard (col. 5-6, lines 59-22). Bedard teaches an algorithm for finding and removing an entry in the viewing profile using a weighted least recently used method. Bedard teaches reducing the entry at the bottom by one and if the entry is not zero proceeding to decrement the next item in the list until one of the elements is zero or until each element has been decremented by one. By reducing the elements by one, Bedard teaches a decay function of each of the user inputs. Therefore, it would have been obvious to one having ordinary skill in the art to modify Sitnik by reducing the user values by one as taught by Bedard in order to provide current up to date demographic data.

Regarding claims 9, 66, 70, and 74, Sitnik provides default values for the demographic categories (col. 8, lines 3-6).

Regarding claims 38, 67, 71, and 75, Sitnik teaches using income information and gender information (col. 7, ll. 47-55).

Regarding claims 39, 68, 72, and 76, Sitnik teaches a profile using income information and gender information (col. 7, ll. 47-55), which is information not program guide-based.

5. Claims 40, 77, 78, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,160,570 to Sitnik (Sitnik), U.S. Patent 6,177,931 to Alexander et al. (Alexander), U.S. Patent 5,155,591 to Wachob (Wachob) and U.S. Patent 6,020,883 to Herz et al. (Herz) in view of U.S. Patent 5,801,747 to Bedard.

Regarding claims 40, 77, 78, and 79, Sitnik teaches a system and method for targeting advertisements to a user of an interactive television program guide. Sitnik shows a receiver, which can receive both program guide information (col. 7, lines 25-27) and advertisements with preselected values for demographic categories (col. 8-9, lines 65-4). Sitnik is silent on advertisements for the program guide. Alexander teaches displaying an advertisement within the program guide (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitnik by using advertisements for the program guide as taught by Alexander in order to provide an improved opportunity for advertisers to reach the viewer (Alexander: Abstract). Sitnik is silent on using a survey to gather demographic information. Wachob teaches gathering demographic information via a survey (col. 1, ll. 56-64; col. 6, ll. 15-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitnik by implementing a survey to gather demographic information as taught by Wachob in order to enable advertisements to be efficiently matched to their appropriate demographic category. Sitnik also shows a user input receiver (col. 7, lines 47-57), and a microprocessor, which utilizes said user input to determine user values for the demographic categories (col. 6, lines 22-28). Sitnik teaches a memory for storing user values (col. 6, 39-43). On column 2, line 56-65,

Sitnik teaches a receiver that selects one advertisement based on a comparison. Herz teaches predicting a program and if the user watches the program then the profile is valid (col. 26-27, ll. 52-7), which reads on how much user input is needed before the user value for that category is reflective of the given user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitnik by gathering user input to determine a reflective profile as taught by Herz in order to maintain an accurate profile for the user. Sitnik is silent on a time period reflecting when a category can be used. Bedard teaches that the user would have view programming for more than a viewing unit in order to be considered (col. 4, ll. 5-14), which reads on values deemed to be reflective of the given user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitnik by storing values after a given time period as taught by Bedard in order to maintain an accurate profile for the user.

6. Claims 46, 52, 58, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,160,570 to Sitnik (Sitnik), U.S. Patent 6,177,931 to Alexander et al. (Alexander), U.S. Patent 5,155,591 to Wachob (Wachob) and U.S. Patent 5,410,344 to Graves et al. (Graves) in view of U.S. Patent 6,020,883 to Herz et al. (Herz).

Regarding claims 46, 52, 58, and 64, Sitnik does not teach a decay procedure to refresh user values, however such is taught by Herz (col. 14, lines 4-10). A decay procedure is a refresh cycle that updates the value of the user after an amount of time.

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It would have been obvious to one having ordinary skill in the art to dynamically adjust the user values over a given period of time to customize the advertisements accordingly in order to provide current up to date demographic data.

7. Claims 42, 43, 48, 49, 54, 55, 60, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,160,570 to Sitnik (Sitnik), U.S. Patent 6,177,931 to Alexander et al. (Alexander), U.S. Patent 5,155,591 to Wachob (Wachob), and U.S. Patent 5,410,344 to Graves et al. (Graves) in view of U.S. Patent 6,286,140 to Ivanyi (Ivanyi).

Regarding claims 42, 48, 54, and 60, Sitnik teaches monitoring viewing habits in order to adjust the user profile (col. 7, ll. 41-57). However, Sitnik fails to teach using preselected demographic data associated with each television channel and program. Graves teaches a content header layout (fig. 3), which is received by the screening processor (col. 4, ll. 28-32, fig. 2, label 24a) for determining and storing programs in the preferred viewing file, which reads on a determination of user values where the program is indicative of how well the user fits said demographic category (col. 4, ll. 28-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitnik by using a demographic category associated with a program as taught by Graves in order to maintain an accurate user profile. Graves teaches monitoring programs but fails to teach monitoring channels. Ivanyi teaches monitoring a channel (col. 2, ll. 49-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sitnik by monitoring

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a channels as taught by Ivanyi in order to gather information about the user thereby collecting more information regarding the user to enhance the quality of the user profile.

Regarding claim 43, 49, 55, and 61, Sitnik fails to disclose determining user values by channel and program demographic categories, and Graves teaches for determining and storing programs in the preferred viewing file, wherein the preferred viewing file has a list of the programs of the highest interest to the user (col. 4, ll. 28-35). Therefore, it would have been obvious to one of ordinary skill in the art to modify Sitnik by adding at least one channel and program demographic category as taught by Graves in order to improve the accuracy of the demographic information. Graves teaches gathering information for a profile but fails to specify a channel. Ivanyi teaches monitoring of channel information (col. 2, ll. 49-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Graves and Sitnik by gathering information from the channel as taught by Ivanyi in order to generate a user profile.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ayk



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PRIMARY EXAMINER